

**R E M A R K S**

Claims 1-12 are pending in the application with claims 1, 3, and 4-6 amended herein. No new matter is added by these amendments.

Initially, the office action objects to drawings 1-2 as requiring the legend "Prior Art." Revised drawings are submitted herewith bearing the legend REPLACEMENT SHEET and labeled as "Prior Art." Withdrawal of the objection is requested.

In the office action, claims 1-13 are rejected under 35 USC 103(a) as unpatentable over U.S. Patent No. 6,680,912 to Kalman in view of IEEE 802.17 Working Group "Proposed Draft Standard: Part 17."

The office action alleges that Kalman teaches detection of a link failure between mutually neighboring layer 2 switches and transmitting a failure notification frame packet from each neighboring layer 2 switch, but admits that Kalman fails to teach recording a Media Access Control (MAC) address of said layers switch into failure notification frame, and transferring the failure notification frame to a neighboring layer 2 switch. For this reason the office action cites to the IEEE 802.17 (IEEE) draft, however, it is respectfully submitted that IEEE fails to teach forwarding of the topology map following a failure.

As amended claims 1-4 recite "in a layer 2 switch having received the failure notification frame, recording a Media Access Control (MAC) address of said layer 2 switch having received the failure notification frame into the failure notification frame, and transferring the failure notification frame to a neighboring layer 2 switch."

Further, it is submitted that IEEE fails teaches that "eventually the node that generated the topology discovery packet gets back the packet." But this simply cannot happen when there

is a failure in a ring as recited in claims 1-3, and the reference thus teaches away from the features as clearly defined in the claims.

Accordingly, claims 1-3, as amended, patentably distinguish over the relied portions of the cited references and are allowable. Claims 4-6 have each been rewritten in independent form including all the limitations of claims 1-3, respectively, and thus are now also allowable. Claims 7-12 depend from one of these allowable base claims and are allowable therewith.

**CONCLUSION**

In view of the remarks set forth above, this application is believed to be in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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